

September 16, 2015



**Talbot County Planning Commission**  
**Final Decision Summary**

Thursday, July 2, 2015 at 9:30 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

Thomas Hughes, Chairman  
John N. Fischer, Jr., Vice Chairman  
William Boicourt  
Michael Sullivan  
Paul Spies - Absent

Staff:

Mary Kay Verdery, Planning Officer  
Jeremy Rothwell, Planner I  
Martin Sokolich, Long Range Planner  
Mike Pullen, County Attorney  
Carole Sellman, Recording Secretary

**1. Call to Order**—Commissioner Hughes called the meeting to order at 9:42 a.m.

**4. New Business**

d. Amendments to 2015 Comprehensive Plan

Reconvened the Planning Commission meeting on matrix of suggested comments and changes to Comprehensive Plan draft.

Commissioner Hughes wanted to make clear that the Planning Commission did not support the village growth concept but if the County Council decides to go ahead with it they must have a master plan in place before they do. We will submit reasons why they should not change some villages, there isn't much demand for development, there is a lack of infrastructure, it is really not necessary and not wanted. Commissioner Boicourt wanted to say they endorse the suggestion of master plan. Commissioner Hughes did not want to convey that they endorse village growth areas. Commissioner Fischer said he would draft a response.

Ms. Verdery stated the staff had discussed redesigning a matrix with a Planning Commission comment column included but also suggested a letter to go along with the matrix to support the Planning Commission views. Commissioner Sullivan suggested bullet points highlighting the key issues for each section.

Mr. Rothwell stated he did his best to define what a master plan is. Commissioner Hughes stated if this goes forward there needs to be a definition of what a master plan is. Commissioner Hughes asked what the difference was between a village master plan and a small area plan. A master plan should be done by the County. It

55 is comprehensive as you are looking at the entire village . A small area plan is  
56 parcel specific and includes a parcel or a series of parcels, such as Easton Village.  
57 It is negotiated between the County, the Planning Commission and the individual  
58 developer.

59  
60 Policy 3.10 - The Planning Commissioners agreed that it should be very firmly  
61 worded that they did not agree with this. This policy has been in effect for a long  
62 time and should not be changed.

63  
64 Policy 3.16 - Commissioner Hughes said a poster child for this is Dutchman's  
65 Lane. There was discussion among the Commission members about language  
66 which would be appropriate. It was agreed "maintain" was appropriate, but was  
67 suggested to add "and strengthen where applicable". Commissioner Hughes stated  
68 the objective is to make sure the County not be stuck with the cost of road  
69 improvements.

70  
71 Future of Port - Commissioner Hughes stated all the fuel for Talbot County comes  
72 over the Bay Bridge or the Choptank River Bridge. He stated he does not see why  
73 a pipe is not brought in to deliver or a barge could come in and deliver. Council  
74 should be cognizant of and maintain this area as a viable port. Ms. Verdery said  
75 the Plan notes that the County should partner with the Town of Easton. There is a  
76 letter from the Mayor saying they want to redevelop the port as residential and  
77 commercial use. Commissioner Sullivan said they could develop that way and  
78 still have a light industrial use way at the back of the port. Ms. Verdery stated the  
79 current company that primarily uses the channel, uses barges to transport stone.  
80 They say they take 190 dump trucks off the road and they would like to stay there.  
81 She also stated she has seen the plans and they are totally different than what is  
82 there now. Commissioner Boicourt stated the plans and the concept are something  
83 the Commission should not endorse at this time. Commissioner Hughes said  
84 people are not aware of the history of Easton Point, it was a port. Commissioner  
85 Fischer stated the viability of that channel is important to the economic  
86 development. Commissioner Hughes stated it is a security issue also.  
87 Commissioner Fischer stated the Commission can write a couple of paragraphs  
88 saying it is a good idea and we support the concept but not the plan.

89  
90 Trails - Planning Commission concurred.

91  
92 Include new railroad/potential trail map. - Planning Commission concurred.

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94 Page 4-1, Vision and Goals - Village growth areas in third paragraph.

95  
96 Laura Price stopped in to say that she had heard good things from the meeting on  
97 July 1st. She understood that many of the items on the matrix might only have the  
98 support of one person, but she understood the Commission still needed to look at  
99 each item with equal weight. Ms. Price stated that when the Council went through  
100 the Comprehensive Plan they were just trying to understand the document, it is

101 complicated. They needed to know what was new, what was being changed, what  
102 was being edited. Commissioner Sullivan stated the Commission is going to come  
103 back with some comments on each issue, most we are concurring with, those that  
104 we have suggestions we will make them in a respectful way. Ms. Price stated they  
105 are also going to work on Bill 1305. The Commission stated that is an issue they  
106 have some suggestions for. Ms. Price stated that was written to basically take care  
107 of that situation and some other situations. You write something, you get it out,  
108 you amend it until you get it right. But basically she said she wanted to stop in  
109 and say thank you.

110  
111 The Commission continued with Section 4.1, the third sentence of the first  
112 paragraph should change suitable villages to within village growth areas.

113  
114 Page 4-3, Public Safety, Planning Commission concurred.

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116 Page 4-4, Hazard Mitigation, Planning Commission concurred.

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118 Page 4-7, Education, Planning Commission concurred.

119  
120 Page 4-8, Government Facilities Policies, Planning Commission concurred with  
121 the new policy.

122  
123 Page 4-8, Health Care - The Planning Commission concur with both a and b.

124  
125 Page 4-8, Health Care and Social Services - Commissioner Sullivan stated he had  
126 heard there is a new plan. Chester River and Dorchester will probably be gone  
127 and a central facility in Easton combined with Salisbury and Anne Arundel. Ms.  
128 Verdery stated the current language states construction to start late 2015 for the  
129 hospital and take two years to build. The Commission stated we need to nail down  
130 the language and dates. We need to put in an expiration. Commissioner Sullivan  
131 said we should check language to see if there was a "start by date". Commissioner  
132 Hughes said that he believed it said the first thing that goes up was the hospital.  
133 Mr. Pullen should have all of that information.

134  
135 Page 4-9, Mental health drugs/addiction - Planning Commission concurred.

136  
137 Page 4-9, Social Service/Mental Health services - Planning Commission  
138 concurred.

139  
140 Page 4-9, Homeless services - Planning Commission concurred.

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142 Page 4-10, Workforce Housing - The Commission stated that they had already  
143 discussed what they wanted to see regarding affordable/workforce housing, they  
144 needed specificity when they were talking about it. We need precise definitions  
145 for workforce and affordable housing.

Commissioner Sullivan stated that you cannot provide workforce housing without some type of low income tax credits/bonds. Commissioner Hughes stated the workforce housing carrot is often used as the thin end of a wedge to approve a PUD. We need specificity.

Page 4-12, Parks and Recreation – The Planning Commission concurred.

Page 5-4, Conservation Programs - The Planning Commission concurred.

Page 6-3, Natural Resource Conservation - Commissioner Hughes wants to keep in air quality. Some years ago a lung specialist from Hopkins called him up and was horrified by the ball fields put in next to Route 50. "He said doesn't anyone in this area have any sense?" Commissioner Boicourt stated there was a study done and downwind from Baltimore and Washington have high ozone levels. Mr. Rothwell stated that was regulated and tested by MDE, not the County. Commissioner Fischer said we need to track progress. Ms. Verdery stated like the baseline data for the water quality they rely on creek watchers, the river keepers and others. Commissioner Boicourt stated if the state has ozone data, they should keep air in. He feels the Council might not be aware of it. If Mr. Boicourt can provide them with some source documents they should put it in. People should know, if they are sending their kids to play ball when traffic is backed up going to the beach, they should know, especially if their child has asthma. Commissioner Sullivan said bad things happen when you are down wind, down river or down slope.

Planning Commission agreed to include: "Baseline data for air and water quality should be tracked to note possible environmental impacts."

Page 6-6, Future Development Scenario - This Commission agreed this was discussed yesterday in defining areas of limited sewer availability. To define high water table areas, existing capacity should be for existing houses and existing lots in order to produce a reduction of fecal contamination and result in a net reduction of nitrogen. It was agreed that the language is not nearly specific enough.

It was proposed to add the following language: "Villages and other existing communities with failing septic systems."

Page 6-3 thru 6-16, Water Resources - The Planning Commission concurred.

Page 6-10, Public Sewer Systems – The Planning Commission said no.

Page 6-11, Table 6-4 - The Planning Commission concurred the requirements are: existing failing septic system, no reserve area for an SDA, binding covenant restricting capacity and abutting the sewer line.

192 Commissioner Fischer stated he gathered that the County Council is  
193 headed toward not going forward with a requirement for inspections of  
194 sewer system. At some point there is going to be a child playing in a  
195 failed field. It is unconscionable to not inspect these systems in some  
196 mandatory way. He thinks it will bite us at some point. Com Hughes  
197 stated it is a known problem. Commissioner Fischer stated inspecting  
198 system in Glebe Creek 30% of the systems either the field or tank was  
199 failing. Commissioner Hughes stated not only raw sewage, but  
200 household chemicals and prescription drugs going right into the river.  
201 This is a public health problem. The 2005 CP recommended an  
202 inspection at the settlement table. He stated we know there are  
203 hundreds of failing systems in the County. Commissioner Boicourt  
204 suggested adding language to encourage inspections of septic systems.  
205

206 Page 6-12, Private septic systems - The Planning Commission discussed the fact  
207 the Plan states these systems are inspected, this is not correct and needs to be  
208 stricken. They reviewed the proposed language in 6.20. There were discussions of  
209 inspections at the purchase of the property. Another option was to have  
210 inspections every five years, a required form would be included in the tax bill,  
211 which would then provide a tax deduction. Ms. Verdery stated that the County  
212 does not have anyone qualified to perform an inspection. Real estate agents say  
213 they encourage their buyers to have a septic inspection be performed.  
214

215 Commissioner Hughes said if the Environmental Health Department wanted to  
216 strike the inspection requirement for an arms length sale then it needs to state in  
217 the Comprehensive Plan that there are failing septic systems in the County posing  
218 a health threat because of fecal contamination.  
219

220 It was suggested that clarification be made of who should make the inspection. If  
221 the County requires the inspection, who in the County would have to oversee the  
222 inspection, the Permits Department?  
223

224 Mr. Pullen stated the County Council acting as the Board of Health could adopt a  
225 regulation to require the inspection. Possibly it would require Anne Morse to  
226 review the inspection. But it would still be a County inspection. It would be just  
227 another form to comply with at settlement like the Right to Farm form.  
228 Commissioner Hughes stated that all the inspection was doing was alerting the  
229 buyer and seller. It would then be between those parties to handle the repairs or  
230 maintenance. Commissioner Hughes stated if both parties accepted inspection  
231 document at closing at least they are alerted. Mr. Pullen asked how would that  
232 alert the County to failing systems? You would get no information from that.  
233 Commissioner Fischer stated it would be good to have a way to have an  
234 inspection every five years, but to get to that in one fell swoop does not seem to  
235 be achievable.  
236

237 It was suggested to add the language "The County shall actively seek methods,  
238 ways and mechanisms to encourage the inspection of septic systems."  
239

240 Objective is the County wants inspections because we want to find failing septic  
241 systems.  
242

243 Page 6-13 and 6-17, Nutrient discharges - Planning Commission concurs.  
244

245 Page 6-18 item 6.14 - The Planning Commission proposes: "The County will  
246 encourage use of the BAT systems throughout the County."  
247

248 Page 6-18 item 6.15 - How can public works do this proactively. There are two  
249 individuals from one subdivision and fourteen more that have not come forward.  
250 Can there be a procedure by which Public Works can proactively go out there and  
251 connect all sixteen houses without having each one pass the test of a failing septic  
252 system. The property is already developed.  
253

254 Page 2-22 (Pg 10 of Matrix) remove reference to state tiers.  
255

256 Mr. Pullen stated we have to know how areas are to be determined, where located,  
257 how to map. Will they be in the Comprehensive Plan? Commissioner Hughes  
258 stated they are already mapped.  
259

260 Mr. Sokolich stated they are currently mapped tier 3A? Should anything between  
261 Easton and Bar Neck be marked?  
262

263 Tier 3A properties are eligible as is currently mapped. Mr. Pullen stated you are  
264 creating a possibility, some vacant lots, but there is a level of control.  
265

266 Mr. Pullen explained that areas not eligible would be amended to make them  
267 eligible, but not planned. Nothing planned until an eligible came in S2, then  
268 eligible in 3-5 years always accounting from whenever discussion occurs. For it to  
269 become planned would require a map amendment.  
270

271 State put guidance that you can amend the tier maps  
272

273 Commissioner Hughes suggests keeping IIIA (no sewer) and IIIB (sewer) would  
274 be villages and have a IIIC areas of limited sewer availability, existing houses,  
275 failing sewers.  
276

277 Mr. Sokolich stated there are seven villages remaining. Commissioner Hughes  
278 said they would be IIIA, not planned for sewer.  
279

280 Ms. Verdery clarified if Williamsburg was IIIA and had failing septic and the  
281 Town of Easton wanted to extend their sewer we would say no. Commissioner

Hughes said if they annexed it, but he does not feel they would extend it without annexation.

Page 6-22, Wetlands - Planning Commission concurs.

Policy 7.3, Planning Commission stated should read: "The County should consider promotion and negotiate broadband service as a public facility."

Policy 7.4, Planning Commission concurred

Policy 7.8, Planning Commission asked to strike, already mentioned in 2.3 and 2.11.

Policy 8, Planning Commission concurred.

Policy 9-7, Future Residential Growth - Planning Commission feels this language should be left in as originally written.

Section 6.b., Commercial Development.

Policy Signage - The Planning Commission stated the sign ordinance should remain the same because the flashing/illumination type lights changes the rural character, are not in keeping with the historic villages and cheapen the neighborhood.

B.2 Compatible Activities - It was suggested to remove the language about post offices.

There was a question from the public about a store in Bozman that had closed. It was asked if the store was not reopened within one year would it be possible to have another store there. It was explained to him that another store would be allowed there by Special Exception, which was the requirement in the village center zoning. If the structure is converted to a residential structure and the store use is abandoned, then it would not be able to come back and open as a store.

B. Village Priorities - Planning Commission recommends following the legislative process.

III. A Village Planning Process - Planning Commission recommends following the legislative process.

New Item - Planning Commission suggested changing to read: "The County should continue to seek means of providing sewer services to the Villages whenever possible to improve public health and water quality."

Commercial outdoor storage -

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Policy 9.13 - The village master plan must be finished with this Comprehensive Plan process. The village growth area should be identified in the Comprehensive Plan. Continue the one per two until the zoning is done.

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